

II. Claim 9, drawn to a mutated *Sporidiobolus ruineniae* strain having Q10 productivity of more than 1.38 mg of Q10/g of biomass, classified in class 435, subclass 254.1.

III. Claims 10-13, drawn to a method for the production of Q10 comprising cultivating a *Sporidiobolus ruineniae* strain, classified in class 435, subclass 41.

ELECTION:

The Applicant respectfully selects with traverse Group I, as set forth in claims 1-8, for further prosecution.

It is believed that the present invention is directed to a unitary inventive concept, namely, a process for producing *Sporidiobolus ruineniae* strains with improved coenzyme Q10 production, to strains of the species *Sporidiobolus ruineniae* (*S. ruineniae*) obtainable in this way, and to the use of the strains for the production of ubiquinone 10 (coenzyme Q10). It is believed that any search for the invention embodied in Group I would necessarily include a search for the invention embodied in Group II and in Group III. Thus, a simultaneous search for all

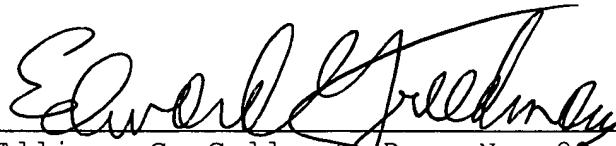
of the Groups is believed not to constitute an unreasonable search for the Patent Examiner. In addition, it is believed that the objectives of streamlined examination and compact prosecution would be promoted if a search were conducted simultaneously for all of the Groups. Also, the necessity of filing multiple patent applications for the same invention does not serve to promote the public interest. This is because of the extra expense that is involved, in filing fees and examination costs, as well as the burden upon the public due to the necessity of searching through a multiplicity of patent files in order to find the complete range of subject matter claimed in several different patents that could otherwise be found in one issued patent only.

Applicant reserves the right to file a divisional patent application for the non-elected inventions.

For all these reasons, it is respectfully requested that the Requirement for Restriction under 35 U.S.C. §121 be withdrawn. An action on the merits of all the claims is respectfully

requested.

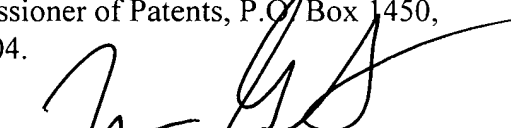
Respectfully submitted,  
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 16, 2004.

  
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